

**To:** Curtin, James[curtin.james@epa.gov]; Keating, Jim[Keating.Jim@epa.gov]  
**Cc:** Goodin, John[Goodin.John@epa.gov]; Chemerys, Ruth[Chemerys.Ruth@epa.gov]; Reichert, Julie[reichert.julie@epa.gov]; Monschein, Eric[Monschein.Eric@epa.gov]; Whitlock, Steve[Whitlock.Steve@epa.gov]  
**From:** Furtak, Sarah  
**Sent:** Wed 9/18/2013 6:36:22 PM  
**Subject:** review-- prep for Ecology Meeting on Pend Oreille  
[Ecology Meeting Prep 09-17-13.docx](#)

DRAFT-DELIBERATIVE\* ATTORNEY-CLIENT PRIVILEGE\*

Jim & Jim,

The material received from Region 10 (Dave Croxton) in follow-up to our debrief with R10 on Sept. 10 is reattached. This "Ecology Meeting Prep" may be a good starting point toward the draft 2-pager (for circulation between state/tribe/EPA) John requested (below are next steps as I captured them for Tom Wall). If I'm wrong on this, let me know.

I recall John was very interested in Jim C. and Jim K.'s input on this draft. I can suggest few options. Which do you prefer?

1. Review the attached, markup, and meet ~Sept. 23 to discuss our edits and consolidate them.
2. Work via email to incorporate edits from Jim Curtin, Jim Keating, and others in Informal HQ Technical Review Team.
3. Other?

I am in the office Thursday, Sept. 19, and then will return on Sept. 23. Unless I hear otherwise from you noon tomorrow, Sept. 19, I'll plan to set up a meeting early next week to discuss our edits and consolidate them.

Thanks,  
Sarah

202 566 1167

Email to Tom Wall, 9/12:

DRAFT-DELIBERATIVE\* ATTORNEY-CLIENT PRIVILEGE\*

Hi Tom,

In follow-up to your request for a debrief on the Aug. 28 face-to-face meeting (Seattle, WA) on the Pend Oreille TMDL for temperature, below are some highlights that I took from our HQ-R10 debrief earlier this week. Once we have the draft material ("Next Steps," below) within the next week or so, I propose we reconnect with you in greater detail to share that material with you. Please let me know if you have any questions or concerns.

Thanks,

Sarah

202 566 1167

--Participants in the August 28 meeting included 3 reps from the Kalispel Tribe, Region 10's Dave Croxton, Dan Opalski, HQ's Jim Keating, and (via telephone) Jim Curtin.

-- Kalispel Tribe described that it doesn't want the TMDL to short circuit implementation; the tribe had specific suggestions for Box Canyon Dam (downstream of reservation).

--EPA explained how the time lag issue is real; one rep of the tribe acknowledged the reality of time lag.

--Kalispel Tribe feels a better description of WQ impairment at the Idaho/Washington border is needed; perhaps this could be addressed in an implementation step.

--It's important to the tribe that more accountability/pressure be put on Box Canyon Public Utility District.

--Dan mentioned that to the extent revision to the TMDL is tweaks and not a re-do of the TMDL, perhaps the State of Washington Dept. of Ecology would be willing to make changes in the TMDL(remains to be seen).

## **Ex. 5 - Deliberative**

Next Steps: Region 10 will draft this 2-pager by ~Sept. 23 for sharing with Jim Keating, Jim Curtin (HQ Informal Technical Review Team, too); we would like to come to agreement (state-tribe-and EPA) on this 2-pager as soon as possible and find a solution promptly.

Region 10 plans to set up a meeting with State of WA Dept. of Ecology staff and then plans to set up and EPA/Ecology/tribe meeting in the near future.

**From:** Croxton, Dave  
**Sent:** Wednesday, September 18, 2013 2:05 PM  
**To:** Furtak, Sarah; Goodin, John; Keating, Jim; Curtin, James  
**Cc:** Cope, Ben; Owens, Kim; Rueda, Helen; Opalski, Dan  
**Subject:** prep for Ecology Meeting on Pend Oreille

CONFIDENTIAL ATTORNEY CLIENT PRIVILEGED

Attached is a brief outline of what we could approach Ecology with regarding the Pend Oreille TMDL. This outline may not go as far as John had requested in describing a resolution, but we feel it does describe the appropriate next step in this process which is how to engage Ecology in the issues. Let us know your reactions/comments.

Thanks,

Dave